

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

FEB 25 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

RLI INSURANCE COMPANY,)	
Plaintiff,)	
)	Civil Action No. 5:18-cv-00066
v.)	
)	By: Michael F. Urbanski
NEXUS SERVICES, INC., <u>et al.</u> ,)	Chief United States District Judge
Defendants.)	

ORDER

This matter is before the court on two motions filed by plaintiff RLI Insurance Company ("RLI"): Plaintiff's Renewed Request for Appointment of Third Party to Perform Specific Acts Ordered Under Rule 70(a) or Alternatively a Receiver Under Rule 66 and For Sanctions, ECF No. 694, and RLI Insurance Company's Renewed Motion to Enforce Final Order and for Contempt Sanctions, ECF No. 758. Also pending is the Show Cause Order issued by Magistrate Judge Joel C. Hoppe on December 16, 2021. ECF No. 761.

The court conducted a hearing on February 25, 2022, at which evidence was received and argument presented on these issues. At the conclusion of the hearing, the court directed the parties to file any additional evidence or argument related to these matters on the following schedule.

1. On or before March 4, 2022, Nexus Services, Inc., and its related defendant entities, (collectively "the Nexus defendants") are directed to file any additional evidence and legal argument on RLI's motion to appoint a third-party under Fed. R. Civ. P. 70 or a receiver under Fed. R. Civ. P. 66 as a remedy for Nexus's failure to deposit the collateral security required by §§ A.1. and A.2. of the October 23, 2020 Order. In particular, the Nexus defendants are

required to advise the court as to the total amount of collateral security deposited to date with RLI pursuant to §§ A.1. and A.2. of the October 23, 2020 Order.

2. On or before March 4, 2022, the Nexus defendants are directed to file any additional evidence and legal argument concerning the Show Cause Order issued by Magistrate Judge Joel C. Hoppe on December 16, 2021.

3. On or before March 11, 2022, RLI is directed to file any additional evidence and legal argument on RLI's motion to appoint a third-party under Fed. R. Civ. P. 70 or a receiver under Fed. R. Civ. P. 66 as a remedy for Nexus's failure to deposit the collateral security required by §§ A.1. and A.2. of the October 23, 2020 Order.

4. On or before March 11, 2022, RLI is directed to file any additional evidence and legal argument regarding the Show Cause Order issued by Magistrate Judge Joel C. Hoppe on December 16, 2021.

The court will endeavor to rule on RLI's motion to appoint a third-party under Fed. R. Civ. P. 70 or a receiver under Fed. R. Civ. P. 66 by March 30, 2022. The court will rule on the issues raised in the Show Cause Order and RLI's outstanding request for attorney's fees, ECF Nos. 744 and 745, as soon as practicable thereafter.

It is so **ORDERED**.

Entered: February 25, 2022



Michael F. Urbanski
Chief U.S. District Judge
2022.02.25 16:50:50
-05'00'

Michael F. Urbanski
Chief United States District Judge